

MELINDA HAAG (CABN 132612)
United States Attorney

J. DOUGLAS WILSON (DCBN 412811)
Chief, Criminal Division

BENJAMIN TOLKOFF (CABN 288816)
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102-3495
Telephone: (415) 436-7296
FAX: (415) 436-6982
Benjamin.Tolkoff@usdoj.gov

Attorneys for United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	NO. CR 13-0566 EMC
)	
Plaintiff,)	PROPOSED ORDER EXCLUDING TIME FROM
)	SEPTEMBER 5 TO SEPTEMBER 19, 2013
v.)	
)	
RYAN CARROLL & ROBERT LEE,)	
)	
Defendant.)	
)	

On September 5, 2013, the parties made a status appearance before the Court. Mr. Steven Kalar, Federal Public Defender, specially appeared on behalf of Robert Lee. Ms. Severa Keith was appointed to represent Mr. Carroll. Mr. Kalar explained that the Federal Public Defender's office could not represent Mr. Lee and asked that the matter be continued until September 13, 2013 for identification of counsel. Mr. Lee waived detention and findings without prejudice, reserving the right to request bail should circumstances change. Mr. Kalar and the government stipulated, and the Court ordered that the time between September 5 and September 13, 2013 should be excluded from the running of the speedy trial clock for continuity of counsel.

ORDER EXCLUDING TIME
CR 13-0566 EMC

1 Mr. Carroll was arraigned on the Indictment and entered a plea of not guilty as to all charges.
2 Mr. Carroll waived detention and findings without prejudice, reserving the right to request bail should
3 circumstances change. Ms. Keith and the government stipulated, and the Court ordered, that the time
4 between September 5, 2013 and September 13, 2013 should be excluded from the running of the speedy
5 trial clock for effective preparation of counsel. 18 U.S.C. § 3161(h)(7)(B)(iv).

6 On September 13, 2013, the parties again appeared before the Court for identification of counsel
7 and arraignment as to Mr. Lee. Mr. Richard Tamor was appointed to represent Mr. Lee, Lee was
8 arraigned on the Indictment and entered a plea of not guilty as to all charges. The matter was calendared
9 for an initial appearance before the district court on September 19, 2013. The parties requested and the
10 Court ordered that the time between September 13 and September 19, 2013 be excluded for effective
11 preparation of counsel. 18 U.S.C. § 3161(h)(7)(B)(iv).

12 Based upon the representation of counsel and for good cause shown, the Court finds that failing
13 to exclude the time between September 5 and September 19, 2013, would unreasonably deny defense
14 counsel the time necessary for effective preparation, taking into account the exercise of due diligence.
15 18 U.S.C. § 3161(h)(7)(B)(iv). The Court finds that the ends of justice served by excluding the time
16 between September 5 and September 19, 2013, from the running of the speedy trial clock outweigh the
17 best interests of the public and the defendant in a speedy trial. Therefore, IT IS HEREBY ORDERED
18 that the time between September 5 and September 19, 2013, shall be excluded from computation under
19 the Speedy Trial Act. 18 U.S.C. § 3161(h)(7)(A) and (B)(iv).SO ORDERED.

20
21 DATED: 10/23/13


HONORABLE ELIZABETH LAPORTE
United States Magistrate Judge